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# SOUTH WAIRARAPA DISTRICT LICENSING COMMITTEE

## DECISION – NEW ON LICENCE

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**IN THE MATTER** of the Sale and Supply of Alcohol  
Act 2012

**AND**

**IN THE MATTER** of an application by **Revans  
Investment Limited** for an on-  
licence pursuant to s100 of the  
Sale and Supply of Alcohol Act  
2012 in respect of the premises  
**Royal Hotel** situated at **22 Revans  
Street, Featherston.**

### BEFORE THE DISTRICT LICENSING COMMITTEE OF SOUTH WAIRARAPA DISTRICT COUNCIL

**Chairman:** Julie Riddell

**Members:** Margaret Craig  
Donald Adams

**Application Number:** ON1171

**Date of application:** 17 January 2019

**Considered on:** 12 February 2019

**Decision:** On Licence Granted

**Appearances:**

Revans Investment Limited – Applicant

Mr Robert Allen Director Revans Investment Limited – for the Applicant

Dr Shane Sykes – Licensing Inspector

Mrs Nicky Poona – for Medical Officer of Health

Sgt Kevin Basher – New Zealand Police

Mrs Rachel Conner – Committee Adviser Senior Associate Hazelton Law Wellington

## I. APPLICATION

- [1] This is an application by Revans Investment Limited (the **applicant**) for a new On-Licence under s100 of the Sale and Supply of Alcohol Act 2012 (the **Act**) in respect of premises situated at 22 Revans Street, Featherston (the **premises**) to be known as the “The Royal Hotel”.
- [2] The general nature of the premises is that of a boutique hotel providing accommodation and a licensed restaurant/bar area. Revans Investment Limited has previously held an On-licence for the premises, which expired on 20 December 2018, with no renewal application having been made prior to that time.
- [3] No objections were received from the Police and the Medical Officer of Health. The Chief Licensing Inspector offered no opposition to the grant of the licence provided that evidence is produced to show adequate systems for alcohol compliance to the satisfaction of the District Licensing Committee.
- [4] The applicant is Revans Investment Limited a private company incorporated on 8 October 2015 under the Companies Act 1993, (5825988). Shareholders being Janelle Ruth Harrington of 2111 Kahutara Road, RD 2 Featherston (Company Director) and Robert Bateman Allen of 2111 Kahutara Road, RD 2 Featherston (Company Director). Each Director holds a half share of the company.
- [5] Revans Investment Limited intend to sell alcohol Monday to Sunday 8.00am – 1.00am the following day. No alcohol to be sold or supplied on Good Friday, Easter Sunday, or Christmas Day or before 1.00pm on Anzac Day.
- [6] Mr Allen advises that the applicant now has a system in place to diarise when Licences, Certificates and Training need to be renewed. The business has suffered a severe financial downturn from not being able to sell alcohol with their restaurant food. Mr Allen said he is willing to work in with the Chief Inspector to comply with the Sale & Supply of Alcohol Act 2012.

## Reporting Agencies

### Chief Inspector Dr Shane Sykes

- [7] Dr Shane Sykes spoke to the Hearing outlining his concerns as stated in the DLC Hearing papers circulated to all members. He considers the applicant understands the object of the Act and is willing and able to meet this standard however they will need to put in place robust systems in order to achieve the object of the Act.
- [8] There have been several instances of non-compliance with the requirements of the Act during the applicants first 12 months of operation under a now expired licence. The applicant failed to lodge the renewal application with the DLC prior to the end of currency on 20 December 2018. Revans Investment Limited was sent a reminder letter on 4 October 2018 and again on 26 November 2018 from the South Wairarapa District Council. The Director Mr Robert Allen also has an expired Manager's Certificate and applied for a Renewal. Mr Allen was also sent two reminder letters from the Council one on 11 May 2018 and the other 6 June 2018. A new application for a Manager's Certificate was filed on 10 November 2018 when he realised he was not able to get a renewal of an expired licence.
- [9] Signage Compliance – on a random check by the Chief Licensing Inspector Dr Shane Sykes on Thursday, 3 January 2019, Mr Sykes noted that the premises' on-licence was not displayed outside the principal entrance of the Royal Hotel as required under the Act. The Chief Inspector raised the issue with the applicant who was under the impression he did not have to display the notice outside while he was under a renewal and it was displayed in the foyer. Dr Sykes had previously issued Revans Investment Limited a warning letter (19 February 2018) when they breached Sections 56, 57 (1) and 214 (3).
- [10] Dr Sykes expressed his view that Revans Investment Limited (The Royal Hotel) needs to take ownership of compliance and staff training.

### DHB – Mrs Nicky Poona

- [11] Mrs Poona asked if Revans Investment Limited had a copy of the On Licensed Premises Tool-Kit put out by the Health Promotion Agency – Mr Allen replied that they do have a copy.

### NZ POLICE – Sgt Kevin Basher – no comments

### Questions from the Committee

#### DLC DEPUTY CHAIR– Mrs Margaret Craig

[12] Mrs Craig asked Mr Allen about a function she had been invited to at the Royal Hotel as a Book Launch which was offering food and wine. What plans did he have if he didn't have a licence by then? Mr Allen said he is only hosting on behalf of the Book Club and that a caterer (with an alcohol licence) would be providing the food and wine.

#### DLC MEMBER – Mr Don Adams JP

[13] Mr Adams enquired how was Mr Allen going to provide the ongoing training that staff were going to need. Mr Allen replied he has a system in place. Mr Adams suggested that the Chief Inspector do a compliance visit to test the effectiveness of the training.

#### DLC CHAIR – Mrs Julie Riddell JP

[14] Mrs Riddell asked Mr Allen why he had not asked the Chief Licensing Inspector for advice about whether his Licence was still valid when it had expired and why he put his staff in a position of working in an unlicensed premises when their Manager's Certificates clearly stated they were only authorised to work in licensed premises. Mr Allen said he was grateful to his staff and knew how much they depended on the work and they had tried to keep as many on as possible.

## **II. DISTRICT LICENSING COMMITTEE DECISION AND REASONS**

[15] For the reasons given below, the Committee is satisfied that the grant of an on-licence with the appropriate conditions and the undertakings, will ensure the safe and responsible supply of alcohol and the minimisation of harm caused by excessive or inappropriate use of alcohol.

[16] The District Licensing Committee, acting pursuant to the Sale and Supply of Alcohol Act 2012, therefore **grants** the application by Revans Investment Limited for an On-Licence in respect of the premises.

### **Section 105 – Criteria for assessing applications**

#### **The Suitability of the Applicant**

[17] Mr Allen on behalf of Revans Investment Limited gave evidence in support of the application stating that he and his wife had bought the Royal Hotel because of their love of restoration and old buildings. Their focus is on boutique accommodation, food and

alcohol. He has spent many years previously as a Counsellor with drug and alcohol victims and understands the harm alcohol can cause in the community. Stressful family circumstances around Christmas 2018 had contributed to him not getting an application for the renewal of the premises' previous on-licence organised on time. Mr Allen also admitted previous breaches of the Act relating to the previous on-licence

- [18] The applicant has expressed a willingness to meet the requirements of the Object of the Act and is actively seeking to be compliant and promote staff training and Host responsibility.
- [19] The Police provided no objections to this application on 24 January 2018.
- [20] Regional Public Health made inquiries into the application and reported no objections on 29 January 2019.
- [21] The Inspector offers no opposition to the issue of the on-licence provided that evidence is produced to show adequate systems for alcohol compliance to the satisfaction of the DLC.
- [22] As noted by the Inspector in his report and discussed at the hearing, the Committee acknowledges that the financial penalty suffered by the applicant during the period in which the premises has been unlicensed will be significant and that the failure to renew the previous on-licence will have caused significant stress for the directors of the applicant company.
- [23] Having heard from all interested parties, the Committee agrees with the conclusions of the Inspector that, irrespective of previous breaches of the requirements of the Act, the applicant is suitable for holding a licence, provided that robust systems to ensure alcohol compliance are implemented.

#### **Local Alcohol Policy**

- [24] The application complies with the relevant requirements of the Wairarapa Local Alcohol Policy.

#### **Design and Layout of the Premises**

- [25] The Inspector raised a concern that the location of the principal entrance to the premises is such that the applicant (or relevant duty manager) is unable to assess patrons for

intoxication prior to entering the licensed area. The applicant has acknowledged this as an issue and agreed to review this and make necessary alterations as appropriate. The Committee encourages the applicant to do so.

**Designation of Premises**

[26] The Licensing Inspector has recommended that the deck, bar and restaurant areas to the left of the bar are designated as “supervised” to allow the applicant to host minors without parents in rooms which do not have a permanent bar set up in line with the requirements of section 119 of the Act. The Committee understands that the applicant has agreed to this configuration. The Committee agrees that the inclusion of a condition to this effect is appropriate in the circumstances.

**Sale of goods and provision of services other than those directly relating to the sale of alcohol, low- and non-alcoholic refreshments and food**

[27] The applicant also provides accommodation services out of the premises. These are an integral part of the hotel and do not raise any issues in terms of the Act.

**Sale of low and non-alcoholic refreshments and food**

[28] The applicant offers a comprehensive range of meal and food options and non-alcoholic beverages.

[29] The Chief Inspector has raised concern in the Inspector’s Report as to the very limited range of low alcoholic beverages available to patrons of the premises and has recommended that additional low alcohol options are made available for purchase at the premises. The Committee agrees with the Chief Inspector’s recommendation and that a condition recording this is appropriate in the circumstances.

**Appropriate systems, staff and training**

[30] The Inspector raised some concern that the applicant’s systems for compliance are not be adequate and that the Host Responsibility refers to incorrect legislation and/or is out of date. Mr Allen gave evidence that he is developing staff training in alcohol-related matters and is very interested in educating and up-skilling staff and to put in place adequate systems for alcohol compliance to the satisfaction of the DLC. The Inspector has recommended resources produced by Hospitality NZ and the Health Promotion Agency as providing assistance in implementing the appropriate systems. The Committee agrees with the Inspector’s assessment that further work is needed on the part of the applicant to ensure that the appropriate systems, staff and training are in place

and is encouraged by the applicant's apparent commitment to this. We therefore consider that conditions relating to on-going staff training and compliance are appropriate and are satisfied that, provided these matters are appropriately implemented, the Applicant's proposed systems, staff, and training are appropriate and satisfactory to comply with the law.

### **Hours of operation**

[31] The Committee considers that the proposed days and hours are appropriate. Trading hours are as follows:

- Monday to Sunday, 8.00am to 1.00am the following day.

### **CONDITIONS OF ON-LICENCE**

1. Alcohol may be sold only on the following days and during the following hours: Monday to Sunday 8.00am – 1.00 am the following day.
2. No alcohol is to be sold or supplied on Good Friday, Easter Sunday or Christmas Day, or before 1.00pm on Anzac Day.
3. The deck, bar and restaurant space located to the left of the foyer are designated "supervised".
4. Drinking water is to be freely available at all times when the premises is open for the sale, supply and consumption of alcohol.
5. At all times when the premises are open for selling, supplying or consumption of alcohol, there must be a reasonable range of non-alcoholic beverages and low-alcohol drinks available for purchase at reasonable prices.
6. Food must be available for consumption at all times the premises are open for the sale, supply and consumption of alcohol. The range must be in accordance with the menu submitted with this application or of a similar range and standard. Food must be actively promoted and available within a reasonable time of ordering.
7. A properly appointed Certified Manager must be on duty at all times when the premises are open for the sale, supply and consumption of alcohol and their name must be prominently displayed.
8. Information, advice and assistance about alternative transport options must be freely given to guests on the licensed premises.
9. The responsible consumption of alcohol is to be promoted at all times by instigating and maintaining the steps outlined in the application for the licence and displaying the host responsibility policy at all times.
10. The licensee must display:

- (a) At each principal entrance to the premises including the eastern side door, the ordinary operating hours during which the sale of alcohol is permitted.
  - (b) A copy of the licence and all conditions subject to which it is issued, to the inside of the premises so to be easily read by all people entering at each principal entrance.
  - (c) At every point of sale for alcohol, signs detailing restriction on the sale and supply of alcohol to minors and intoxicated persons.
11. The applicant must instigate alcohol compliance policies and robust systems for on-going staff training and that this is documented and made available for the Inspector.
  12. The applicant must keep and maintain an up-to-date copy of the "On-licence Premises Toolkit" Manual (produced by the Health Protection Agency) is available at the premises for inspection on request.

### CONCLUSION

The District Licensing Committee has come to the decision that the applicant Revans Investment Limited meet the criteria for the issue of an On Licence and the licence is granted accordingly subject to the above Conditions 1 – 12.



J E Riddell  
Chair South Wairarapa District Licensing Committee

13 February 2019

**ON-LICENCE**

(for premises)

Sections 14 to 16 and 64, Sale and Supply of Alcohol Act 2012

PURSUANT to the Sale and Supply of Alcohol Act 2012 (The Act), **Revans Investment Limited** is authorised to sell and supply liquor on the premises situated at **20-22 Revans Street, Featherston** and known as "**The Royal Hotel**", to any person for consumption on the premises and to let people consume alcohol there.

The general nature of the business conducted under the licence is a **hotel**

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with with subpart 7 of part 2 of the Act.

**CONDITIONS**

This licence is subject to the following conditions:

1. Alcohol may be sold only on the following days and during the following hours: Monday to Sunday 8.00am – 1.00 am the following day.
2. No alcohol is to be sold or supplied on Good Friday, Easter Sunday or Christmas Day, or before 1.00pm on Anzac Day.
3. The deck, bar and restaurant space located to the left of the foyer are designated "supervised".
4. Drinking water is to be freely available at all times when the premises is open for the sale, supply and consumption of alcohol.
5. At all times when the premises are open for selling, supplying or consumption of alcohol, there must be a reasonable range of non-alcoholic beverages and low-alcohol drinks available for purchase at reasonable prices.
6. Food must be available for consumption at all times the premises are open for the sale, supply and consumption of alcohol. The range must be in accordance with the menu submitted with this application or of a similar range and standard. Food must be actively promoted and available within a reasonable time of ordering.
7. A properly appointed Certified Manager must be on duty at all times when the premises are open for the sale, supply and consumption of alcohol and their name must be prominently displayed.
8. Information, advice and assistance about alternative transport options must be freely given to guests on the licensed premises.
9. The responsible consumption of alcohol is to be promoted at all times by instigating and maintaining the steps outlined in the application for the licence and displaying the host responsibility policy at all times.
10. The licensee must display:
  - (a) At each principal entrance to the premises including the eastern side door, the ordinary operating hours during which the sale of alcohol is permitted.
  - (b) A copy of the licence and all conditions subject to which it is issued, to the inside of the premises so to be easily read by all people entering at each principal entrance.
  - (c) At every point of sale for alcohol, signs detailing restriction on the sale and supply of alcohol to minors and intoxicated persons.
11. The applicant must instigate alcohol compliance policies and robust systems for on-going staff training and that this is documented and made available for the Inspector.
12. The applicant must keep and maintain an up-to-date copy of the "On-licence Premises Toolkit" Manual (produced by the Health Protection Agency) is available at the premises for inspection on request.

**THE LICENSED PREMISES**

The premises, situated at **20-22 Revans Street, Featherston**, are more precisely identified as outlined in a plan received by the South Wairarapa District Licensing Committee on **17th January 2019**.

**DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S**

A copy of this licence must be displayed at the principal entrance to the premises. The entrance from **20-22 Revans Street, Featherston** is designated as the principal entrance.

**DURATION**

Subject to the requirements of the Act relating to the payment of fees, and to the provision of the Act relating to the suspension and cancellation of licences, this licence continues in force –

- (a) Either –
  - i. Until the close of the period for which it was last renewed; or
  - ii. If it has never been renewed, until the close of the period of 12 months after the day it was issued; but
- (b) If an application for the renewal of the licence is duly made before the licence would otherwise expire, either –
  - i. Until the close of the period of 3 years after the period for which it was last renewed; or
  - ii. If it has never been renewed, until the close of the period of 4 years after the day it was issued.

**DATED** at Martinborough this **13th day of February 2019**



Paul Crimp  
Secretary

**South Wairarapa District Licensing Committee**

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, the licence expires on:

**13 February 2020**